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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,529	09/02/2003	Ingolf Braune	089441-000000US	3371
20350	7590	06/30/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			STAFIRA, MICHAEL PATRICK	
			ART UNIT	PAPER NUMBER
			2877	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/653,529

Applicant(s)

BRAUNE ET AL.

Examiner

Michael P. Stafira

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6, 8-10 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 2-4, 7, 11-13 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/13/05; 1/8/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

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- (I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, 6, 8, 9, 15, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 598 630 A1.

**Claim 1**

EP 0 598 630 A1 discloses a light transmitter (Fig. 1, Ref. 11) for the transmission of at least two light beams (See Abstract) offset substantially parallel to one another into a protected zone; and a light receiver (Fig. 1, Ref. 12) for the reception of the transmitted light beams (Fig. 1, Ref. 18) and for the outputting of corresponding received signals, wherein the light receiver (Fig. 1, Ref. 12) has at least one photo-sensitive element having an elongate light sensitive region whose longitudinal direction is aligned parallel to the arrangement of the light beams (Col. 3, lines 33-48) perpendicular to the direction of transmission such that all radiated light beams can be completely detected by the light sensitive region (See Fig. 1); and wherein a control circuit (Fig. 2, Ref. 13) is provided for the distinguishing of the light beams at the light receiver (Fig. 1, Ref. 12) and causes the light transmitter (Fig. 1, Ref. 11) to make a transmission of the light beams offset in time (Col. 5, lines 45-57).

**Claim 5**

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EP 0 598 630 A1 further discloses that the light beams (Fig. 1, Ref. 18) adjoin one another or overlap one another at least regionally (Col. 3, lines 49-56).

**Claim 6**

EP 0 598 630 A1 further discloses the light beams are spaced apart from one another (Col. 3, lines 20-32).

**Claim 8**

EP 0 598 630 A1 further discloses the light receiver (Fig. 1, Ref. 12) has a plurality of photo-sensitive elements which are arranged in a row next to one another with a parallel alignment of the light sensitive regions (Col. 3, lines 33-48).

**Claim 9**

EP 0 598 630 A1 further discloses the arrangement of the plurality of photo-sensitive elements (Fig. 1, Ref. 12) extends within the plane perpendicular to the transmission direction of the light beams (See Fig. 1) perpendicular to the offset arrangement of the light beams (See Fig. 1).

**Claim 15**

EP 0 598 630 A1 further discloses the light receiver (Fig. 1, Ref. 12) is arranged spaced apart from the light transmitter (Fig. 1, Ref. 11).

**Claim 16**

EP 0 598 630 A1 discloses the apparatus is provided for attachment to an upper tool of a bending press (Col. 1, lines 7-24).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 598 630 A1.

**Claim 10**

EP 0 598 630 A1 discloses the claimed invention except for the light receiver is a CMOS row. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine EP 0 598 630 A1 with the CMOS row since it was well known in the art that using a CMOS row increases the reliability of the detection circuit by having increased control of the information detected, therefore increasing the accuracy of the measurement.

**Claim 14**

EP 0 598 630 A1 discloses the claimed invention except for an integrated light transmitter and receiver. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine EP 0 598 630 A1 with the integrated light transmitter and receiver since it was well known in the art that having a integrated optical elements decreases the amount of remote optical element and making the unit more compact, therefore allowing the unit to having increased move ability.

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*Allowable Subject Matter*

6. Claims 2-4, 7, 11-13, 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michael P. Stafira  
Primary Examiner  
Art Unit 2877

June 24, 2005